



TO: Education Committee
FROM: Tom Venzor, Executive Director
Nebraska Catholic Conference
DATE: January 20, 2026
RE: LB841 (Burden of Proof Standard for IEP Complaints) (Support)

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public. The NCC offers its support for LB841, specifically with reference to the burden of proof and production standard.

The Catholic Church educates around 27,000 students in 112 Catholic schools located across the state. Students in Catholic schools are eligible for individualized education programs (IEPs) for the provision of special education services through their local public school. The provision of these services is in the form of “equitable” services that are determined based on the needs of the students and the resources available from the local public school district.

Currently, when formal complaints are filed “related to the initiation, change, or termination or the refusal to initiate, change, or terminate the identification, evaluation, or educational placement of a child with a disability or the provision of a free appropriate public education” the burden of proof and production is placed on parents. Shifting the burden of proof and production to the school district, as LB841 proposes, would be a more fair and just arrangement for parents and students.

While the IEP process is intended and is often collaborative, it can become adversarial, especially where concerns are lodged and complaints filed. In these instances, parents and students are placed in a difficult predicament. They typically are not subject-matter experts on the delivery of special education services. They often lack the financial and other resources to consult with outside experts, consultants, and lawyers to demonstrate their concerns. They find it hard to know where to start in the process, let alone figure out how to maneuver through all the technical details of the law and process.

Instead, when these situations become adversarial, parents and students are up against a school district that has the balance of power, especially in terms of resources and expertise. This dynamic not only creates obstacles for parents advocating on behalf of their children, but can keep parents from advocating altogether for the best interests of their child.

LB841 could meaningfully shift these realities for parents and students by ensuring that the entity that is legally obligated with delivering the services is also tasked with proving that they are meeting their legal obligations.

We ask the Education Committee to advance LB841 to General File. Thank you for your time and consideration.